

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Motorscope, Inc.,

Plaintiff,

Civ. No. 12-1296 (SRN/AJB)

v.

**ORDER**

Precision Tune, Inc., et al.,

Defendants.

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J. Michael Dady and Kristy L. Zastrow, Dady & Gardner, PA, 5100 IDS Tower, 80 South Eighth Street, Suite 5100, Minneapolis, Minnesota 55402, for Plaintiff.

Eric L. Yaffe, Gray Plant Mooty Mooty & Bennett PA, The Watergate--Suite 700, 600 New Hampshire Avenue, N.W., Washington, District of Columbia 20037, and Ashley M. Bennett Ewald, Gray Plant Mooty Mooty & Bennett, PA, 80 South Eighth Street, Suite 500, Minneapolis, MN 55402, for Defendants.

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SUSAN RICHARD NELSON, United States District Judge

Motorscope, Inc. (“Motorscope”) filed the present action in this Court on May 30, 2012. (Doc. No. 1.) The next day, Precision Tune, Inc. (“Precision Tune”) filed an action against Motorscope regarding the same underlying conduct in the United States District Court for the Eastern District of Virginia. On June 13, 2012, Precision Tune moved to dismiss, stay, or transfer this action to the Eastern District of Virginia. (Doc. No. 2.) On June 20, 2012, Motorscope moved to dismiss, stay, or transfer the action in the Eastern District of Virginia to the District of Minnesota. On July 24, 2012, Motorscope requested that this Court promptly rule on Precision Tune’s Motion to

Dismiss, Transfer, or Stay without oral argument. Precision Tune responded on July 25, 2012, seeking a denial of Motorscope's request.

Precision Tune's Motion to Dismiss, Stay, or Transfer is scheduled to be heard next Wednesday, August 1, 2012, and the Court anticipates that it will be able to rule from the bench, after considering each party's oral argument. Therefore, Motorscope's request is denied and this matter will proceed with oral argument on August 1, 2012.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

Motorscope's request that the Court decide Precision Tune's Motion to Dismiss, Stay, or Transfer (Doc. No. 2) without oral argument is **DENIED**.

Dated: July 26, 2012

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge